

EXHIBIT A

Policy of the Diocese of Oakland Regarding Sexual Misconduct

Preamble

Society today recognizes incidents of sexual misconduct by priests, deacons, or diocesan employees as the cause of severe spiritual and emotional harm. The Diocese of Oakland is committed to addressing this problem not only as an employer but also as a bearer of the Gospel message of reconciliation and healing. The Diocese values open communication and dialogue with the community concerning sexual abuse by priests, deacons, or diocesan employees, within the confines of respect for the privacy of the individuals involved. Sexual misconduct by a cleric (priest or deacon) is contrary to Catholic moral teaching and a violation of Canon 277 of the Code of Canon Law. Sexual misconduct abuses the power and authority of the pastoral role committed to the cleric and violates the rights and dignity of the persons affected by such misconduct. Sexual misconduct with a child (in California, a person under 18 years of age) or a vulnerable adult inflicts special grave harm upon the victim and subjects the perpetrator to both criminal prosecution and civil liability.

Sexual Misconduct by a Cleric or Diocesan Employee

Definitions of Sexual Misconduct:

Sexual activity, consensual or non-consensual, with, or harassment of, a child, (a person under 18 years of age) or a vulnerable adult (a person 18 years of age or older whose mental, physical or emotional function is impaired and makes them unable or unlikely to report abuse without assistance). This conduct is clearly defined in The Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons.

([See endnote 1.](#))

Non-consensual sexual activity with or harassment of an adult of either sex.

Consensual sexual activity with an adult of either sex which adversely affects the spiritual and psychological health of the adult, the ministry of the cleric, or the reputation of the Church.

The acquisition, possession, and /or distribution of child pornography.

Care for Victims

The Diocese of Oakland is committed to dealing with all reported allegations of sexual misconduct by clerics or diocesan employees in a prompt, comprehensive, and pastoral manner, with due regard for the rights of all involved. The prime concern is for the victim and the victim's family, for their rights, reputation, healing, and spiritual welfare. Prompt contact (within 24 hours) will be made with the victim and, in the case of sexual abuse of a child, with the victim's parent(s) or legal guardian(s) by a person or persons designated by the Bishop. In

the case of child abuse, this contact will be made only after appropriate investigation by child protective services (CPS) and/or Local Law Enforcement. Solace, psychological evaluation, counseling, therapy, and other pastoral assistance will be offered to victims of sexual misconduct.

Diocesan Review Board

The Diocesan Review Board is the diocesan body responsible for receiving and acting upon all allegations of sexual misconduct received by the Diocese of Oakland.

The Diocesan Review Board is composed of no less than five or no more than nine members. The majority of the Review Board must be lay persons not in the employ of the diocese. The Review Board meets regularly throughout the year to review and follow up on current cases and on an ad hoc basis to deal with newly reported incidents. The Review Board will review each case of reported abuse. The Board will in turn be responsible to make a recommendation to the Bishop regarding actions to be pursued and provide monitoring and follow up for each case.

The Victims Assistance Coordinator or other designated person will handle all initial inquiries and make all official statements regarding these cases.

Complaints

Allegations of sexual misconduct by clerics or diocesan employees should be reported to the local authority, e.g. the Police or Sheriff department and referred to the Chancellor (510) 267-8334 or the "Survivor Advocacy Phone Number" (510) 267-8373. Both of these numbers put you in contact with the Victims Assistance Coordinator. All complaints are referred to the Diocesan Review Board and shall be followed up within 48 hours of receiving them.

Procedure for Addressing Allegation of Sexual Misconduct

The Diocese of Oakland is committed to address allegations of sexual misconduct by clerics or diocesan employees, observing the prescriptions of civil and canon law. It is committed to assist victims of sexual misconduct and clerics accused of sexual misconduct with psychological and spiritual support and counsel. It is committed to cooperate with public authorities investigating such allegations.

Persons bringing forth an allegation will be treated with respect. They shall select the meeting place where they wish to tell of their experience. They will be able to select the two members from the Diocesan Review Board that they wish to have conduct their interview. Every opportunity will be taken to insure that this difficult experience is as painless as possible.

The Diocesan Review Board may enlist the services of a qualified professional investigator or researcher when they deem necessary.

Confidentiality and discretion during the investigation and to the extent possible, protection of the privacy and good name of both the victim and the accused is to be maintained at all times.

The accused cleric or diocesan employee will be placed on administrative leave pending the results of the investigation. He will be confronted with the allegation and interviewed by two members of the Diocesan Review Board. The cleric or diocesan employee has the right to have an advocate present during the interview. If the interview process or information from other sources gives rise to reasonable suspicion that the allegation is true, he will be referred to a competent resource for thorough psychological evaluation and recommendations for therapy.

If a cleric or diocesan employee is subject to legal action, he is responsible for hiring his own attorney. He will also be asked to share some of the financial burden resulting from any ensuing litigation, to the extent of his financial ability.

Every effort will be made to protect any person from false accusations of sexual misconduct. When an allegation has proved to be unfounded, every means possible will be taken to restore the good name of the person falsely accused.

Future Placement

A cleric who has engaged in sexual misconduct with a minor will not be reassigned to ministry. In these cases in which return to ministry is not permissible, a cleric will be asked to resign, retire, or seek laicization. If he is not laicized, he may be required to live in a supervised setting designated by the Bishop. In this setting, restrictions mandated by therapists or law will be observed. Norms of Canon Law being observed, the diocese will assist in the transition.

In sexual misconduct cases other than a minor, the Bishop will not reassign a cleric to ministry unless the good and safety of the community is assured, the cleric has undergone psychological evaluation with appropriate residential or non-residential care, and it has been determined, after adequate consultation with qualified medical experts, that a return to ministry is permissible. Conditions and limitations will be placed on the cleric's ministry, including after-care, continuing therapy, residence, and supervision. The nature of the offense will be disclosed to persons involved in after-care and supervision. These conditions will be in writing and will be monitored by the Diocesan Review Board.

Prevention

There is a pressing need both to acknowledge and address openly the problem of sexual misconduct, especially in terms of its prevention. In addition to intervening in and responding appropriately to abuse situations, the Diocese of Oakland commits itself to creating an atmosphere of prevention in its training, screening, and transfer procedures. Also, the Diocese will help maintain the integrity of the ministerial relationship through educational workshops in awareness and prevention of the misuse of power and authority.

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End note 1: “Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions on questions relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p.6). A canonical offence against the sixth commandment of the Decalogue (Code of Canon Law (CIC), c. 1395, §2; Code of Canons of the Eastern Churches (CCEO), c. 1453, §1) need not be a complete act of harmful outcome. Moreover, “imputability [moral responsibility] for a canonical offense is presumed upon external violation...unless it is otherwise apparent” (CIC, c. 1321, §3; CCEO, c. 1414, §2). Cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415 and 1416.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized experts should be appropriately obtained (Canonical Delicts p.6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.”